

FILED
LODGED
ENTERED
RECEIVED

FEB 25 2000

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CREO PRODUCTS, INC., a
Canadian corporation,

Plaintiff,

v.

DAINIPPON SCREEN MFG. CO.,
LTD., a Japanese corporation,

Defendant.

DAINIPPON SCREEN MFG. CO.,
LTD.,

Counterclaimant,

v.

CREO PRODUCTS,

Counterdefendant.

NO. C98-1801R

ORDER REGARDING DISCOVERY
MOTIONS

THE COURT has received the following: (1) Screen's motion to
strike and exclude expert witness testimony, and (2) Screen's

ORDER
Page - 1 -

128

1 motion to strike Creo's deposition notice and for a protective
2 order. Having considered the papers filed in support of and in
3 opposition to both motions, the court rules as follows:

4 1. Creo disclosed its expert after the deadline for doing
5 so, and even then has still failed to comply with Local Rule W.D.
6 Wash. CR 24(a)(2)(B), which requires that such disclosures "be
7 accompanied by a statement of all opinions to be expressed and the
8 basis and reasons therefor." Creo has had sufficient information
9 to produce such a disclosure for months; an extension of time to
10 provide adequate disclosure would affect the discovery cutoff date
11 and prejudice Screen. Screen's motion to strike and exclude
12 Mr. Yerkerwich's testimony [91-1] is GRANTED.

14 2. The court finds that Creo's deposition notice is over-
15 broad in the various ways that Screen suggests. The court de-
16 clines to detail the flaws in Creo's deposition notice; rewriting
17 the notice so as to properly narrow the areas of inquiry is Creo's
18 responsibility. The depositions shall take place in Japan unless
19 the requisite witnesses plan to travel to the United States.
20 Screen's motion to strike Creo's deposition notice [docket 98-1]
21 is GRANTED. Counsel are referred to the court's order of March
22 30, 1999, and Local Rule W.D. Wash. CR 37(h). The court expects

23 / / /

24 / / /

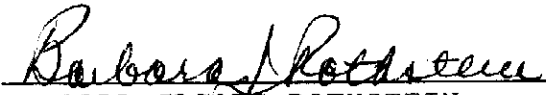
25 / / /

26 ORDER

Page - 2 -

1 counsel to meet and confer to arrive at mutually acceptable areas
2 of inquiry.

3 DATED at Seattle, Washington this 25th day of February, 2000.
4

5 
6 BARBARA JACOBS ROTHSTEIN
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER
Page - 3 -